

1. Introduction. When the Social Security Act of 1935 was passed and State unemployment laws were enacted, the States formed an organization that is now incorporated as the Interstate Conference of Employment Security Agencies (ICESA), an organization of State Administrators. This was done to address mutual interests arising out of the establishment of State organizations and the implementation and operation of Federal-State employment security programs.

It immediately became apparent that some agreements between States were necessary to effectively provide adequate protection for all covered workers. The Interstate agreements and the suggested regulations that relate to the agreements are published in Appendix B of this handbook.

This first agreement was the Interstate Benefit Payment Plan, effective May 1938, to which all agencies subscribe. To attain the uniformity and consistency necessary to administer this agreement and sustain cooperation between the States, the plan called for the creation of a committee and detailed its power and functions. The plan also provided that each State, as signatory to the plan, agrees to cooperate with each other and with the committee and to adopt, if possible, the rules, regulations, instructions, procedural forms, and interpretive decisions of this committee.

Interstate claims procedures and forms in this handbook are approved by the Interstate Benefit Payment Committee of ICESA in cooperation with the U.S. Department of Labor.

The U.S. Department of Labor agreed to publish and keep current all interstate procedures and forms as approved.

2. Purpose of the Interstate Benefit Payment Plan. The Interstate Benefit Payment Plan and these procedures provide a method for payment of unemployment compensation benefits to those unemployed individuals who earned unused covered employment and wages or have valid claims on file and who otherwise may be deprived of benefits because of their absence from a State in which their benefit credits were accumulated.

3. Commuter Exclusion from the Interstate Benefit Payment Program. Because administering claims filed under the Interstate Benefit Payment Plan has historically been more difficult and costly than administering intrastate claims, commuters are excluded by the plan. Commuters are persons who travel regularly across a State line from home to work. No

fixed rule is applied to determine which person should be considered commuters, and adjoining States should enter into individual agreements concerning border areas in which commuters are of significant volume. The general principle to be applied should consider the main reason for excluding this group from the interstate benefit payment plan, i.e., individuals usually look for work in areas in which they have worked in the past. For this reason, their claims should be taken through intrastate procedures of the State in which they normally work. This has the effect of having claimants registered for work in the area in which they want to and usually do work. This general rule should not be used if its application would impose a hardship or cause excessive travel time or cost to a claimant.

Many States with significant commuter populations have defined commuter areas outside of which individuals are allowed to file interstate claims. These areas were defined to eliminate requiring claimants to travel unreasonable distances and incur unreasonable cost in filing for unemployment benefits. When a State implements remote initial claimstaking together with mail or remote continued claim certifications, the exclusion of commuter claimants from filing under the interstate plan should be fully implemented Statewide to insure that all commuters are filing intrastate claims and are registered for work in the State in which they are seeking employment.

When a claimant contacts the liable State to file a claim, claimstakers should question the claimant to determine if the claimant is filing as a commuter or has relocated and is filing as an interstate claimant. The distinction between these claims is important because of the effect of certain requirements on entitlement and eligibility.

4. Provisions of Interstate Benefit Payment Plan on State Adoption. These procedures are based on the Interstate Benefit Payment Plan which provides that "Each subscribing State agency shall adopt and put into force and effect each rule, regulation, instruction, procedural form and interpretative decision relating to this plan...except such as a State agency finds to be clearly inconsistent with the statutory provisions of its unemployment compensation law."